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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,944	03/27/2001	James C. Bedingfield	7780-00414	9851
83937 7590 11/10/2009 AT&T Legal Department - LNA Attn: Patent Docketing Room 2A- 207 One AT & T Way Bedminster, NJ 07921				
			EXAMINER CAMPBELL, JOSHUA D	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 11/10/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/817,944

Applicant(s)

BEDINGFIELD, JAMES C.

Examiner

JOSHUA D. CAMPBELL

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2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6, 7, 10, 11, 13, 16, 18-23, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 7, 10, 11, 13, 16, 18-23, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/3508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Request for .
2. Claims 1, 3, 4, 6, 7, 10, 11, 13, 16, 18-23, 27, and 28 are pending in this case. Claims 1, 7, and 11 are independent claims. Claims 1, 7, and 11 have been amended. Claims 24-26 and 29-31 have been cancelled.

3. The rejection of claims 1, 3, 4, 6, 7, 10, 11, 13, 16, and 18-23 under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999) has been withdrawn in view of the amendments.

4. The rejection of claims 27 and 28 under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999), further in view of Hamzy et al. (hereinafter Hamzy, US Patent Number 6,636,247, filed January 31, 2000) has been withdrawn in view of the amendments.

Claim Objections

5. Claims 27 and 28 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 11, 13, 16, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant asserts that the claim limitations are means (or step) plus function limitations that invoke 35 U.S.C. 112, sixth paragraph. However, it is unclear whether the claim element is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph, because the limitations are modified by sufficient structure, material, or acts for performing the claimed function. If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to:

- (a) Amend the claim to include the phrase "means for" or "step for" in accordance with these guidelines: the phrase "means for" or "step for" must be modified by functional language and the phrase must **not** be modified by sufficient structure, material, or acts for performing the claimed function; or

(b) Show that the claim limitation is written as a function to be performed and the claim does **not** recite sufficient structure, material, or acts for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph. For more information, see MPEP § 2181.

Claim Rejections - 35 USC § 103

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
9. Claims 1, 3, 4, 6, 7, 10, 11, 13, 16, 18-23, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) in view of Burson et al. (hereinafter Burson, US Patent Number 6,405,245, filed October 27, 1999), further in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999).

Regarding independent claim 1 and dependent claims 27, Davis discloses a method in which an update profile is accessed which contains a named directory location (URL), an update frequency for that URL, an e-mail address, and a update type (port) (column 10, line 55-column 11, line 12 and column 13, line 51-column 14, line 64 of Davis). Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, line 20-column 11, line 12 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on

the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user, the pages content comprising graphics and text (Figure 14D and column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis). Davis does not explicitly disclose that the update type is a random update type specifying a random portion of content to be updated. However, Burson discloses an intermediary website containing portions of PI (personal information) from multiple providers that is updated based on 1 of 3 types of update policies, one of which is a pseudo-random policy (column 11, lines 15-37 of Burson). In this policy each portion of the intermediary website is updated at random times from the PI provider's content, thus making each update performed an update on a random portion of the intermediary website (column 12, line 6-column 13, line 5 of Burson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Davis with the teachings of Burson because it would have allowed for greater flexibility of the use of each of the portions of the web page (column 13, line 64-column 14, line 7 of Burson).

Neither Davis nor Burson explicitly disclose a method in which a copy of the content is sent between the user and the server as an e-mail attachment. However, Patterson discloses a method in which web content may be sent as an attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to have combined the method of Davis and Burson of updating web content between a client and a server with the method of Patterson of transmitting web content via e-mail attachment because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

Regarding dependent claims 3 and 4, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claim 6, Davis discloses a method in which an update profile comprises a web page on a web site (column 13, line 51-column 14, line 64 of Davis).

Regarding independent claim 7 and dependent claims 10 and 28, the claims incorporate substantially similar subject matter as claims 1, 6, and 27. Thus, the claims are rejected along the same rationale as claims 1, 6, and 27.

Regarding independent claim 11, Davis discloses a method in which a server, having non-volatile memory and software for updating and e-mailing resident on the server (column 6, line 7-column 8, line 39 of Davis), has a way to communicate with a named party and a web hosting server accesses an update profile which contains a named URL, an update frequency for that URL, an e-mail address, and a update type (port) (column 10, line 55-column 11, line 12 and column 13, line 51-column 14, line 64 of Davis). Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column

1, lines 36-51 and column 10, line 20-column 11, line 12 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user, the pages content comprising graphics and text (Figure 14D and column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis). Davis does not explicitly disclose that the update type is a random update type specifying a random portion of content to be updated. However, Burson discloses an intermediary website containing portions of PI (personal information) from multiple providers that is updated based on 1 of 3 types of update policies, one of which is a pseudo-random policy (column 11, lines 15-37 of Burson). In this policy each portion of the intermediary website is updated at random times from the PI provider's content, thus making each update performed an update on a random portion of the intermediary website (column 12, line 6-column 13, line 5 of Burson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Davis with the teachings of Burson because it would have allowed for greater flexibility of the use of each of the portions of the web page (column 13, line 64-column 14, line 7 of Burson).

Neither Davis nor Burson explicitly disclose a method in which a copy of the content is sent between the user and the server as an e-mail attachment. However,

Patterson discloses a method in which web content may be sent as an attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis and Burson of updating web content between a client and a server with the method of Patterson of transmitting web content via e-mail attachment because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

Regarding dependent claim 13, Davis discloses a method in which an update profile comprises a web page on a web site (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claim 16, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claims 18 and 20, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

Regarding dependent claim 22, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

Regarding dependent claims 19, 21, and 23, Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically

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designated by the update profile (column 1, lines 36-51 and column 10, lines 20-29 of Davis).

Response to Arguments

10. Applicant's arguments with respect to claims ... have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/
Primary Examiner, Art Unit 2178
November 2, 2009